

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

RONALD DEAN LOWE,

Petitioner,

v.

LUKE PETTIGREW, Warden,

Respondent.

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Case No. CIV-20-949-J

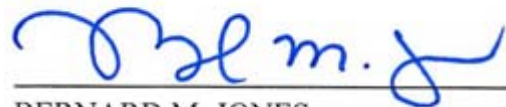
ORDER

Petitioner, a state prisoner appearing pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings consistent with 28 U.S.C. § 636. [Doc. No. 5]. On September 28, 2020, Judge Purcell issued a Report and Recommendation recommending that the petition for writ of habeas corpus be dismissed with prejudice as Petitioner is no longer in custody with regard to the conviction he challenges or, in the alternative, that the Petition be dismissed without prejudice as untimely. [Doc. No. 9]. Petitioner was advised of his right to object to the Report and Recommendation, and Petitioner has filed a timely objection [Doc. No. 11]. Petitioner's objection, however, does not address the issues raised in the Report and Recommendation and sets forth no basis for why this action should not be dismissed with prejudice.

Accordingly, upon de novo review, the Court concludes that this Court lacks jurisdiction to consider the Petition because Petitioner is no longer "in custody" with regard to the conviction he challenges. The Court, therefore, ADOPTS the Report and Recommendation [Doc. No. 9] and

DISMISSES Petitioner's petition for writ of habeas corpus with prejudice.

IT IS SO ORDERED this 7th day of October, 2020.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE